

VZCZCXYZ0000
OO RUEHWEB

DE RUEHGV #0962/01 3081403
ZNY SSSSS ZZH
O 041403Z NOV 09
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9935
RUEAIIA/CIA WASHINGTON DC IMMEDIATE
RUEKDIA/DIA WASHINGTON DC IMMEDIATE
RUEKJCS/CJCS WASHINGTON DC IMMEDIATE
RUEKJCS/VCJCS WASHINGTON DC IMMEDIATE
RUEKJCS/JOINT STAFF WASHINGTON DC IMMEDIATE
RHEHNSC/NATIONAL SECURITY COUNCIL WASHINGTON DC IMMEDIATE
RUEKJCS/SECDEF WASHINGTON DC IMMEDIATE
RUEHNO/USMISSION USNATO IMMEDIATE 5218
RHMFISS/DEPT OF ENERGY WASHINGTON DC IMMEDIATE
RHMFISS/DTRA ALEX WASHINGTON DC IMMEDIATE
RUESDT/DTRA-OSSES DARMSTADT GE IMMEDIATE
RUENAAA/CNO WASHINGTON DC IMMEDIATE
RHMFISS/DIRSSP WASHINGTON DC IMMEDIATE
INFO RUEHTA/AMEMBASSY ASTANA PRIORITY 2395
RUEHKV/AMEMBASSY KYIV PRIORITY 1402
RUEHMO/AMEMBASSY MOSCOW PRIORITY 6591

S E C R E T GENEVA 000962

SIPDIS

DEPT FOR T, VC AND EUR/PRA
DOE FOR NNSA/NA-24
CIA FOR WINPAC
JCS FOR J5/DDGSA
SECDEF FOR OSD(P)/STRATCAP
NAVY FOR CNO-N5JA AND DIRSSP
AIRFORCE FOR HQ USAF/ASX AND ASXP
DTRA FOR OP-OS OP-OSA AND DIRECTOR
NSC FOR LOOK
DIA FOR LEA

E.O. 12958: DECL: 11/04/2019
TAGS: [KACT](#) [MARR](#) [PARM](#) [PREL](#) [RS](#) [US](#) [START](#)
SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA (SFO-GVA-VI):
(U) REQUEST FOR GUIDANCE-006, ARTICLE XIV TRANSFERS OF SOA
TO THIRD PARTIES

REF: STATE 97474 (SF0-V GUIDANCE-001)

Classified By: A/S Rose E. Gottemoeller, United States
START Negotiator. Reasons: 1.4(b) and (d).

[11](#). (U) This is SFO-GVA-VI-051 -- Request for Guidance-006.

SUMMARY AND GUIDANCE REQUESTED

[12](#). (S) The delegation requests Washington's perspective on the scope of the proposed treaty language in U.S.-proposed Treaty Article XIV. The U.S. draft provides that the Parties agree not to transfer strategic offensive arms (SOA) subject to the treaty limitations to "third States." The Russian proposal would expand that prohibition by extending the ban to "third Parties." Background and analysis are in paragraphs 3-7. Recommendation is in paragraph 8. Guidance requested is in paragraph 9.

BACKGROUND AND ANALYSIS

[13](#). (S) In accordance with the U.S. position detailed in REFTEL, the U.S. Delegation sought agreement on Article XIV of the draft START Follow-on Treaty concerning existing patterns of cooperation and the prohibition on transfers of SOA. The Russian Delegation proposed modifying the text to say the Parties agree not to transfer SOA subject to the limitations of the treaty to third "Parties" vice the

U.S.-proposed word "States." The Russian Delegation argued that the treaty text should be broadened beyond the language in START to preclude transfer of SOA not only to another State but to any other Party, thus also including any organization or other entity that is not a State. One Russian team member (Admiral Kuznetsov) explained that the intention was to preclude transfer of SOA to organizations such as NATO or the Collective Security Treaty Organization (CSTO). The delegation assesses that the current text in the U.S.-proposed text is adequate, but has examined the possibility of accepting the Russian proposal.

¶4. (S) The present U.S.-proposed draft text takes language directly from Article XIV of the START Treaty proscribing entry into international obligations or undertakings that would conflict with the treaty provisions. It adds additional language taken from the First Agreed Statement which describes agreement not to transfer SOA. This article is virtually identical in wording and usage from the START language. The Russians propose to alter the description of potential recipients of the prohibition on transfer of SOA from "third States" to "third Parties."

¶5. (S) When asked to explain the rationale for their position, Russian Delegation members said the purpose was to prevent proliferation of SOA to non-State entities. When pressed to say what they meant (after some non-serious discussion of the United Nations or Osama bin Laden), Kuznetsov discussed U.S. and Russian military cooperation within military alliances and asserted that, without the broadened language, it might be possible for the United

States to transfer SOA to NATO or Russia to its partner, CSTO. Russian Delegation members noted transfer of AWACs aircraft to NATO command and control as an example of a transfer of military equipment to a "Party" i.e., NATO. They want to ensure there are no transfers of SOA to non-State actors in the future.

¶6. (S) Delegation believes there might be some advantages to the United States of broadening the scope of this article, so long as it does not encumber the United States in a circumstance such as the United States wanting to use an item of SOA on behalf of a non-State "Party," e.g., sending a missile to an international organization for space launch purposes. Delegation view is that this specific scenario would probably not involve a "transfer" for purposes of the treaty, but notes that the term "transfer" is not defined in the treaty. Delegation also notes that an exhaustive examination of whether acceptance of the term "Party" would preclude cooperation that might be desirable for the United States is beyond the Delegation's competence. Delegation, therefore, requests that Washington examine this aspect. Delegation notes further that while the NPT prohibits the transfer of nuclear weapons or explosive devices to any recipients, the START transfer ban is, however, a prohibition focused on the transfer of SOA subject to the limitation of the treaty. Transfer of missile technology is also addressed in the context of the MTCR, which does not establish legally-binding prohibitions on transfer.

¶7. (S) The Russian delegation has otherwise accepted the remaining text in Article XIV, and this article can be agreed once decision is reached as to whether or not to use the word "State" or "Party." In addition, when asked, the Russian Delegation has stated they have no existing patterns of cooperation to declare and would be willing to make a statement to that effect.

RECOMMENDATIONS

¶8. (S) Delegation recommends that we accept the Russian-proposed term "third parties" as long as there are no negative consequences to accepting such a term.

GUIDANCE REQUESTED

¶9. (S) Delegation requests that Washington examine the advantages and disadvantages of expanding the scope of the U.S.-proposed Treaty Article XIV by using the term "third Party" with respect to transfers and provide guidance on whether or not the United States can accept the change.

¶10. (U) Ries sends.
GRIFFITHS